

S. Muller
COPY**THOMAS CLARK**
MAYOR, TOWN OF RICO

2-19-04

Max Dodson
US EPA 8EPR
999 18th Street, Suite 300
Denver, CO 80202-2466

RE: Lead Contaminated Soils in Rico

Dear Mr. Dodson,

On behalf of the Rico Town Board of Trustees and the Rico community, I would like express our appreciation for the EPA community presentation on Wednesday, February 11th. We understand that soils with lead contamination pose a health risk to Rico residents and we are glad that this longstanding issue is now getting the attention it deserves. The Rico Town Board of Trustees is very enthusiastic about working with the EPA on a variety of environmental protection and enhancement projects in Rico. We believe that many opportunities exist for successful projects of which we can all be proud.

A removal action for lead contaminated soils is a complex issue that the Rico community is just beginning to understand. While the Rico Town Board appreciates the importance of the health risk posed by lead contaminated soils it is extremely important for us to understand all the issues associated with a contaminated soils removal action. The public role and duty of the Rico Town Board is to insure that all property owners and residents understand the issues and have the opportunity for meaningful input in decisions that affect them. The most important point we can make at this time is that our community needs written information, time to review and understand the information, and time to consider various options.

The Rico Town Board fully agrees that lead contaminated soils presents a health risk to the Rico community and health risks are as important of an issue as any other issue in Rico. This is why we believe that a complete understanding of all issues and a strong and effective community involvement process is essential prior to making decisions on any contaminated soils removal actions. It is of the highest importance for the Town that the community decision making process be complete before decisions are made. The Rico Town Board does not feel at this time that we have enough information to make any commitments regarding the anticipated length of an effective community involvement process.

We understand that EPA believes immediate action is warranted in Rico but we want to emphasize the importance of cooperation and information sharing to expedite the community decision making process. We are in the process of retaining Dr. Jon F. Callender of Kennecott Land and Mr. Stephen E. Glass of Gault Group Inc. to assist us with our decision-making and in forming a local, citizen-based, lead task force.

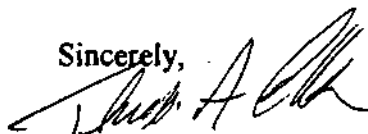
At this time, we want to insure that various options for clean-up of contaminated soils are still available for consideration by our community as stated at the initial December 5th, 2003, meeting. We understand these options to include (1) an EPA time critical removal action, (2) an EPA non-time critical removal action, (3) a voluntary clean-up action, and (4)

CERCLA/Superfund enforcement action. As you are aware, the Town has already expressed its preference to not pursue option 4. At this time the Rico Board of Trustees wants to express our preference for voluntary, partnership approaches to address environmental issues as we have in the past. ARCO has presented a draft VCUP application and requested the Rico Town Board to participate as a co-applicant. Please be advised that the Rico Town Board is seriously considering this proposal and has taken action to approve first reading of an ordinance approving the VCUP application with the Town as a Co-Applicant. Also, we strongly believe that this option deserves equal consideration to any EPA removal action. However, we also want to emphasize that we expect any voluntary clean-up action to meet reasonable standards to abate health risks or remediate negative environmental impacts. If it becomes apparent that a responsible voluntary approach cannot be achieved, then the Town will be supportive of considering other options.

Our attorney Eric Heil will provide a letter outlining numerous issues of which we have questions. It is very important for our ability to proceed in a timely manner that we understand these issues, therefore we hope to receive responses to these questions before our next town board meeting in March.

Thank you again for your involvement and concern about environmental issues in Rico. We look forward to working with EPA, the Colorado Department of Public Health and Environment, and the other stakeholders to address environmental issues in Rico.

Sincerely,



Thomas A. Clark, Mayor

Cc President George W. Bush
Governor Bill Owens
U.S. Senator Ben Nighthorse Campbell
U.S. Senator Wayne Allard
U.S. Representative Scott McInnis
State Senator Jim Isgar
State Representative Ray Rose
EPA Administrator Mike Leavitt
Mark Walker, CDPHE
Dolores County Commissioners